HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARNUNA REDDY

WRIT PETITION No. 26034 OF 2006

Between:

Animal Rights Organization having its
Branch at Hyderabad, rep., by its Secretary
Gandi Pardhanjaneyulu.

... Petitioner

AND

The Director General of Police,
Andhra Pradesh, Hyderabad
and four others.

... Respondents

: ORDER :

Counsel for the petitioner : Smt. C. Jayashree Sarathy.

Dated: 24th April, 2007

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Per G.S. SINGHVI, CJ

In this petition filed under Article 226 of the Constitution of India, Animal Rights Organisation, Hyderabad has prayed as under:

> "It is therefore prayed that this Hon'ble Court may be pleased to issue an order, direction or writ especially in the nature of a writ of mandamus directing the respondents to take all preventive and long term steps to stop the illegal, unauthorized entry of camels from the State of Rajasthan and other States into the State of Andhra Pradesh and their slaughter during the Bakrid festival falling on 01.01.2007 and also for future years, which is in utter violation of Section 11 of the Prevention of Cruelty of Animals Act 1960, Prevention of Cruelty of Animals (Transport of Animals on Foot) Rules 2000, framed under Section 38 (1) of Prevention of Cruelty to Animals Act 1960 and also in flagrant violation of the sections of the Andhra Pradesh Animals and Birds Sacrifices Prohibition Act, 1950 and pass any other order or orders as this Hon'ble Court deems fit in the circumstances of the case."

On 27.02.2007, the Court passed the following order:

> "Animal Rights Organization, Hyderabad has filed this petition for issue of a Mandamus to ensure rigorous compliance of the provisions contained in Section 11 of Prevention of Cruelty to Animals Act, 1960 and Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2000.

In the affidavit filed by him, Shri Gandi Pardhanjaneyulu, Secretary of the petitioner association, has highlighted the facts relating to tortuous journey and ultimate slaughter of camels, which are brought to Andhra Pradesh from Rajasthan on foot. The deponent has averred that even though the rules were framed in 2000 and the same were supplemented by Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001 (for short, 'the 2001 Rules'), thousands of camels are brought every year to Andhra Padesh on foot and they are ultimately slaughtered.

In the counter filed by Shri Priyadarshi Dash, Special Chief Secretary to Government, Animal Husbandry, Dairy Development and Fisheries Department, Government of Andhra Pradesh, the officer concerned has averred that the rules do not cover transportation of camels on foot.

On 09.02.2007, the Court had after perusing the averments contained in the counter affidavit observed that the officer concerned do not appear to have read the definition of animal under Rule 2(a) of the 2001 Rules, else he would not have pleaded that the provisions contained therein are not applicable to the transportation of camels. We had given time to the officer to file supplementary affidavit but the required affidavit has not been filed.

We have heard learned counsel for the parties. We are prima facie convinced that the provisions contained in Rules 4d and 6 to 10 of the 2001 Rules are required to be complied with by persons engaged in transportation of camels from Rajasthan to Andhra Pradesh because 'camel' falls within the definition of animal which has two facets. As per Rule 2(a), animal means livestock and includes other animals enumerated in clauses (i) to (xiv). There cannot be any doubt that the word 'livestock' takes within its field various animals including camel. Therefore, as an interim measure, we direct the State and all its functionaries to ensure rigorous compliance of the provisions contained in Rules 4 and 6 to 10 in letter and spirit in the matter of

transportation of camels from Rajasthan and elsewhere. The State Government is directed to issue comprehensive instructions to all the district authorities to ensure faithful implementation of the provisions contained in the above mentioned rules. The State Government is also directed to constitute a core group headed by an officer of the rank of Secretary to oversee rigorous implementation of the provisions contained in Rules 4 and 6 to 10 of the 2001 Rules. The committee tobe constituted hereinafter must hold its meetings at least once in a month, get the reports from various district authorities and issue further directions as may be considered necessary for ensuring compliance of the Rules.

For further consideration, the case be listed on 24.04.2007."

In furtherance of interim order passed by the Court on 27.02.2007, the State Government has issued G.O.Rt.No.174 dated 19.04.2007 and constituted core group comprising the following:

"1. Special Chief Secretary/
Principal Secretary/Secretary to
Government, AHDD&F Department …Chairman

2. Principal Secretary to Government
(PR) or his nominee, Panchayat Raj &
Rural Development Department … Member

3. Principal Secretary/
Secretary to Government (Transport)
Or his nominee, Transport, Roads &
Buildings Department … Member

4. Principal Secretary/
Secretary to Government or his
Nominee, Municipal Administration &
Urban Development Department. … Member

5. Principal Secretary to Government
or his nominee, Home Department … Member

6. Principal Secretary to Government
(Mktg. & Coop), Agriculture &
Cooperation Department. … Member

7. Principal Secretary (CT) to Government
or his nominee, Revenue Department … Member

8. Principal Secretary to Government
(Forests), or his/her nominee
E.F.S. & T Department. … Member

9. The Director of Animal Husbandry,
Hyderabad. … Member-
Convenor"

In our opinion, the aforesaid action of the Government is sufficient to dispel the apprehension of the petitioner that the State and its functionaries are not serious in securing implementation of the provisions contained in the Prevention of Cruelty of Animals Act 1960 and Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules 2000.

With the above observations, the writ petition is disposed of as infructuous.

The representative of the petitioner may contact the Chairman of the Committee for facilitating participation of one of its representative in the meetings of the core group. We hope and trust that such representation will receive appropriate consideration at the hands of the competent authority.

As a sequel to disposal of the main writ petition, WPMP

No.33436 of 2006 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NNAGARJUNA REDDY, J

Date: 24.04.2007
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